

42nd Legislature, page 269, Chapter 163, as amended by House Bill No. 82, Acts of the 50th Legislature, 1947, Chapter 173, page 283, and as further amended by Senate Bill 436, Acts of the 51st Legislature, 1949; and declaring an emergency."

S. B. No. 16, A bill to be entitled "An Act making appropriations to pay deficiency appropriations granted to the State Soil Conservation Board, to pay the supervisors of soil conservation districts in Texas; and declaring an emergency."

S. B. No. 403, A bill to be entitled "An Act to validate, ratify, approve, confirm, and declare enforceable all levies and assessments of ad valorem taxes heretofore made by independent school districts or cities or towns including home rule cities in this state not in excess of the limit now provided by law which are void or unenforceable because the same were made and adopted by resolution, motion or other informal action, etc., and declaring an emergency."

Recess

On motion of Senator Bracewell, the Senate at 10:40 o'clock a.m., took recess until 9:00 o'clock a.m., Tuesday, July 5, 1949.

FIFTY-NINTH DAY

(Continued)

(Tuesday, July 5, 1949)

AFTER RECESS

The Senate met at 9:00 o'clock a.m. and was called to order by the President.

Senate Resolution 217

Senator Hardeman offered the following resolution:

Whereas, Ira Butler, Jr., of Ft. Worth, Texas, is visiting in the Capitol today, and

Whereas, He is the son of one of Texas' leading attorneys, and

Whereas, It is the desire of the Senate to recognize this fine son of an illustrious father, be it

Resolved, by the Senate of Texas, That Ira Butler, Jr., be, and he is hereby appointed an Honorary Page of the Senate, and be it further

Resolved, That a copy of this resolution be furnished him.

HARDEMAN

KELLY of Tarrant

The resolution was read and was adopted.

Senate Joint Resolution 18 with House Amendments

Senator Bracewell called S. J. R. No. 18 from the President's table for consideration of the House amendments to the resolution.

The President laid the resolution and House amendments before the Senate, and the House amendments were read.

Senator Bracewell moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the resolution.

The motion prevailed.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the resolution: Senators Bracewell, Hardeman, Ashley, Aikin and Taylor.

Report of Conference Committee on House Bill 130

The President laid before the Senate as postponed business for this time, the report of the conference committee on H. B. No. 130.

The report having been submitted on Monday, June 20, 1949, with a motion by Senator Kelly of Tarrant on Wednesday, June 29, 1949, to adopt the report, and a motion by Senator Phillips not to adopt the report and appoint a new conference committee to adjust the differences between the two Houses on the bill, pending.

Question—Shall the motion of Senator Phillips prevail?

Senator Bracewell moved that further consideration of the report be postponed to 3:00 o'clock p.m. today.

The motion was lost by the following vote:

Yeas—11

Ashley

Bell

Lock	McDonald
Bracewell	Moore
Bullock	Shofner
Carney	Taylor
Hardeman	

Nays—14

Aikin	Lane
Colson	Martin
Corbin	Moffett
Cousins	Morris
Harris	Proffer
Hudson	Strauss
Kelly of Tarrant	Weinert

Absent

Hazlewood	Phillips
Jones	Tynan
Kelley of Hidalgo	Vick

Question—Shall the motion of Senator Phillips prevail?

At Ease

On motion of Senator Weinert, the Senate at 9:30 o'clock a.m., agreed to stand at ease subject to the call of the Chair.

The President called the Senate to order at 9:55 o'clock a.m.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
July 5, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 82, Relative to Senate Bill No. 316 going into immediate effect upon the adoption of this resolution, etc.

S. B. No. 191, A bill to be entitled "An Act providing for the sale of all or any portion of three tracts of land owned by the Agricultural and Mechanical College of Texas, situated in the John P. Cole seven and one-half (7½) league grant in Burleson County; prescribing the manner and terms of sale; and declaring an emergency."

S. B. No. 290, A bill to be entitled "An Act amending Article 7047a-3 of Vernon's Annotated Civil Statutes, being also subsection 1 of Section 4 of Article III of Chapter 495, Acts 44th Legislature, 3rd Called Session,

1936, page 2058; repealing all laws in conflict; providing a savings clause and declaring an emergency."

S. B. No. 71, A bill to be entitled "An Act to amend Acts of the 50th Legislature, page 550, Chapter 325, providing a Civil Service System for firemen and policemen in all cities having a population of ten thousand (10,000) inhabitants or more; requiring and regulating competitive examinations and classification of applicants for classification and employment as firemen or policemen; regulating such employments; providing a repealing and savings clause; and declaring an emergency."

(With amendments)

S. B. No. 331, A bill to be entitled "An Act to amend Article 4168 of the 1925 Revised Civil Statutes of the State of Texas, to authorize guardians to contract for the recovery of property of their wards and pay expenses incident to such recovery by conveyance of a contingent interest therein, subject to approval by the Probate Court; and declaring an emergency."

(With amendment)

S. C. R. No. 62, Relative to authorizing the appointment of a Texas Higher Education Survey Commission of fifteen (15) members, etc..

(With amendments)

H. C. R. No. 167, Be it resolved by the House of Representatives, the Senate concurring, That the Joint Rules be suspended in order that the House might take up and consider House Bill No. 993 on Tuesday, July 5, and/or Wednesday, July 6, 1949.

H. B. No. 991, A bill to be entitled "An Act amending Section 7 (1) of Chapter 470, Acts 1937, 45th Legislature, as amended by Chapter 376, Acts 1941, 47th Legislature, relating to the investment and reinvestment of retirement funds by the State Board of Trustees of the Teachers' Retirement System of Texas, and declaring an emergency."

The House refused to concur in Senate amendments to House Bill No. 313 and has requested the appointment of a conference committee to consider the differences between the two Houses. The following have been appointed on the part of the House: Spacek, Heflin, Carter, Brooks of Red River, Kirkpatrick.

S. B. No. 503, A bill to be entitled "An Act to reappropriate the unexpended balance of the appropriation contained in H. B. No. 329, Acts 50th Legislature, Ch. 207, page 365, and all funds or moneys as may be received and deposited in the State Treasury from the Veterans' Administration for the reimbursement of salaries and expenses of employees of the State Approval Agency for Veterans' Education under Public Law 346; and declaring an emergency."

(With amendments)

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

Senate Resolution 218

(Caucus Report)

Senator Weinert offered the following resolution:

Austin, Texas,
July 5, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: At a caucus held on July 5th and attended by 29 members of the Senate, the following recommendations were made, to-wit: be it

Resolved by the Senate, That the following named employees be retained for a number of days at the per diem salary specified in each case to perform such duties as may be required of them in connection with the business of the State, viz.:

The Secretary of the Senate shall be retained during the interval between adjournment of this session and convening of the next session of the Legislature, for which services he shall receive the same per diem he now receives, and in addition thereto, he and the Lieutenant Governor shall be furnished postage, telegraph, telephone, express and all other expenses incident to the office.

The Assistant Secretary of the Senate shall be employed by the Secretary of the Senate and be retained during the interval between adjournment of this session and the convening of the next session of the Legislature with a salary of \$10.00 per day.

The Lieutenant Governor may employ such employees as are necessary for the operation of his office from the closing of this session and until the convening of the next session and shall also employ some suitable per-

son who shall index and annotate the Legislative Manual for the Senate of the Fifty-first Legislature and provide sufficient copies thereof to be paid for out of the Contingent Expense Fund for the use of the members of the Senate.

The Warrant Clerk shall be retained for a period of ten days at a salary of \$8.50 per day.

The Calendar Clerk shall be retained for fifteen days at a salary of \$10.00 per day.

The Journal Clerk, Mrs. Henry Wendlandt, shall be retained for a period of not exceeding 150 days at \$11.00 per day, and Mrs. Minnie Meier, Assistant Journal Clerk, shall be retained for not exceeding 150 days at \$10.00 per day.

The Sergeant-at-Arms shall be retained for 10 days at the same pay he now receives, and two assistants for ten (10) days at \$10.00 per day. The Lieutenant Governor may employ or retain at \$4.50 per day as many porters as may be necessary and a head porter at \$7.50 per day.

The Enrolling and Engrossing Clerk shall be retained seven (7) days at \$12.50 per day, and three assistants to assist her shall be retained for seven days at \$7.50 per day.

The private secretary of each Senator may be retained for six (6) days at \$10.00 per day to perform such duties as may be required of them.

The Postmistress shall be retained six (6) days at \$10.00 per day, after which time the Secretary of the Senate shall attend to all mail of the Senators.

The Mailing Clerk of the Senate shall be retained for six (6) days at \$10.00 per day and one (1) assistant for four days at \$7.00 per day.

The Chairman of the Senate Committee on Contingent Expenses is hereby authorized and directed to cause the Senate Chamber to be placed in order and an inventory made of all furniture and fixtures in the Senate Chamber and in the private offices of the members, as well as of the supplies and equipment on hand in the room of the Sergeant-at-Arms, and close his books for the Regular Session of the Fifty-first Legislature. He shall also examine records and accounts payable out of the Contingent Expense Fund as shall be necessary, properly to approve all claims and accounts against the Senate, and no claim or account shall be paid

without his consent and approval, and he shall be entitled to receive his actual and necessary expenses incurred while in the performance of such duties during the interim.

The Lieutenant Governor shall appoint a Custodian of the Senate to perform such services as the Lieutenant Governor or the Secretary of the Senate may direct and the Custodian to receive the sum of \$7.00 per day.

Resolved, That there shall be printed seven hundred and fifty (750) volumes of the Senate Journal of the Regular Session of the Fifty-first Legislature, and when completed, two hundred and fifty (250) copies shall be bound in buckram and delivered to the Secretary of State and one volume thus bound shall be forwarded by the Secretary of State to each member of the Senate and House of Representatives, to the Lieutenant Governor and Secretary of the Senate, and twenty-five (25) such copies shall be delivered to the Secretary of the Senate, and the remaining copies shall be retained by the Secretary of State. The printing of such Senate Journals shall be done in accordance with the provisions of this resolution under supervision of the Chairman of the Committee on Contingent Expenses, provided further that it shall be the duty of said Chairman to refuse to receive or receipt for said Journals until corrected and published in accordance with the pre-existing law and as finally approved by the Chairman of the Committee on Contingent Expenses of the Senate. When the accounts have been certified to by the Chairman of the Senate Committee on Contingent Expenses, said accounts shall be paid out of the Contingent Expense Fund of the Regular Session of the Fifty-first Legislature; and be it further

Resolved, That all salaries herein authorized to be incurred and paid for shall be out of the per diem and contingent expense fund of the Regular Session of the Fifty-first Legislature upon warrants signed by the Lieutenant Governor and the Secretary of the Senate. All warrants for the payment of materials, supplies and expenses of the Senate shall be paid upon warrants signed by the Lieutenant Governor and Chairman of the Senate Committee on Contingent Expenses; and be it further

Resolved, That the cash balance on

hand under the provisions of S. R. No. 15 of the Forty-seventh Legislature be turned over to the Secretary of the Senate and he is directed to have full charge of the vending machines and to expend receipts thereof as now authorized by said resolution; and be it further

Resolved, That a matron be retained for the women's rest room at a salary of \$120.00 per month; and be it further

Resolved, That the Lieutenant Governor and the Chairman of the Senate Committee on Contingent Expenses shall have authority to employ such additional personnel as may from time to time be required and to purchase such supplies and to make all such repairs and improvements as are necessary between the adjournment of this session and the convening of the next session of the Legislature; and be it further

Resolved, That with the approval of the Lieutenant Governor and the Chairman of the Committee on Contingent Expenses, the actual expenses of members serving on interim committees whose expenses are not otherwise provided for shall be paid from the Contingent Expense Fund.

Respectfully submitted,

R. A. WEINERT,
Chairman of the Caucus.

The resolution was read and was adopted.

Bills and Resolution Signed

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills and resolution:

H. B. No. 938, A bill to be entitled "An Act to amend Section (f), Article XI, of H. B. No. 8, Chapter 184, Acts of the 47th Legislature, Regular Session, 1941, so as to state what the term 'carbon black' as used in said Act includes, and declaring an emergency."

H. B. No. 969, A bill to be entitled "An Act to amend Title 82 of the Revised Civil Statutes of the State of Texas, 1925, by adding thereto a new Article entitled Article 5142C, providing for the establishment of a Juvenile Board in counties containing a population of not less than one hundred and ninety thousand (190,000) inhabitants, nor more than two

hundred and twenty-four thousand (224,000) inhabitants, according to the last preceding or any future Federal Census, general or special, and providing for the appointment of Chief Probation Officers, Assistant Probation Officers and Superintendents of juvenile institutions in such counties; etc.; and declaring an emergency."

H. B. No. 84, A bill to be entitled "An Act clarifying Chapter 467, H. B. 77, 44th Legislature, Regular Session, as the same has been amended, by amending the following sections of Article I of said Chapter 467, H. B. 77: 3-a, 11, 12, 13, 15, 15(a), 17, 30, 41(a) and 42; amending the following sections of Article II of said Chapter 467, H. B. 77: 3, 5, 19, 19-B, 20, 17, 20-A, and 24 of Article II; amending Article I of Chapter 467, H. B. 77 by adding thereto Sections 5(a), 36-½, 49, 50, 51, 52, 53, 54, 55, 56; amending Article II of Chapter 467, H. B. 77, by adding thereto Sections 28, 29, 30, 31, 32, 33, 34, 35, and 36; repealing Section 44 of Article I of Chapter 467, H. B. 77, and Section 5-A of Article II of Chapter 467, H. B. 77; and all laws in conflict herewith; and declaring an emergency."

S. B. No. 191, A bill to be entitled "An Act providing for the sale of all or any portion of three tracts of land owned by the Agricultural and Mechanical College of Texas, situated in the John P. Cole seven and one-half (7½) league in Burleson county; etc., and declaring an emergency."

S. B. No. 290, A bill to be entitled "An Act amending Article 7047a-3 of Vernon's Annotated Civil Statutes, being also subsection 1 of Section 4 of Article III of Chapter 495, Acts 44th Legislature, 3rd Called Session, 1936, page 2058; repealing all laws in conflict; providing a savings clause and declaring an emergency."

S. C. R. No. 82, Providing for the immediate effect of S. B. No. 316 upon the adoption of S. C. R. No. 82.

Election of President Pro Tempore Ad Interim

The President announced that the next business in order was the election of President pro tempore ad interim.

Senator Harris nominated Honorable G. C. Morris of Hunt County to be President pro tempore ad interim of the Senate.

Senators Vick, Bell, Taylor, and Aikin seconded the nomination.

On motion of Senator Hardeman, it was ordered that nominations be closed.

The President appointed Senators Harris, Bell and Martin as tellers to take up and count the ballots. The tellers announced that Honorable G. C. Morris had received 28 votes, and the President declared him duly elected President pro tempore ad interim and appointed Senators Carney, Lane and Aikin to escort him to the President's rostrum.

The President administered the oath of office to the Honorable G. C. Morris and presented him to the Senate as President pro tempore ad interim.

President pro tempore Morris addressed the Senate briefly and thanked the members of the Senate for the honor bestowed upon him.

House Bill on First Reading

The following bill, received from the House, was laid before the Senate, read and referred to the committee indicated:

H. B. No. 991, to Committee on Education.

Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Senator Lane submitted the following report:

Austin, Texas,
July 5, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 778, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Senator Proffer submitted the following report:

Austin, Texas,
July 5, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. No. 991, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PROFFER, Chairman.

Senator Taylor submitted the following report:

Austin, Texas,
July 5, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred H. B. No. 415, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

TAYLOR, Chairman.

Conference Committee on House Bill 313

Senator Morris called from the President's table for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on H. B. No. 313 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following conferees on the bill on the part of the Senate: Senators Morris, Jones, Lane, Harris and Colson.

Bills Ordered Not Printed

On motion of Senator Proffer it was ordered that H. B. No. 991 be not printed.

On motion of Senator Harris, it was ordered that H. B. No. 778 be not printed.

Report of Conference Committee on House Bill 130

The Senate resumed consideration of pending business, same being the report of the conference committee on H. B. No. 130 with a motion by

Senator Kelly of Tarrant to adopt the report and a motion by Senator Phillips not to adopt the report and request the appointment of a new conference committee to adjust the differences between the two Houses on the bill pending.

Question—Shall the motion of Senator Phillips prevail?

(Pending discussion of the report, Senator Morris occupied the Chair temporarily.)

(President in the Chair)

Senator Kelly of Tarrant moved to table the motion by Senator Phillips.

Yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—12

Aikin	Lane
Colson	Martin
Corbin	Moffett
Harris	Morris
Hazlewood	Strauss
Kelly of Tarrant	Tynan

Nays—14

Ashley	Jones
Bell	Lock
Bracewell	McDonald
Bullock	Phillips
Cousins	Proffer
Hardeman	Shofner
Hudson	Vick

Absent

Carney	Taylor
Kelley of Hidalgo	Weinert
Moore	

Question recurring on the motion of Senator Phillips, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—14

Ashley	Jones
Bell	Lock
Bracewell	McDonald
Bullock	Phillips
Cousins	Proffer
Hardeman	Shofner
Hudson	Vick

Nays—13

Aikin	Carney
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Colson	Moffett
Corbin	Morris
Harris	Strauss
Kelly of Tarrant	Tynan
Lane	Weinert
Martin	

Absent

Hazlewood	Moore
Kelley of Hidalgo	Taylor

Accordingly, the President announced the appointment of the following new conferees on H. B. No. 130: Senators Kelly of Tarrant, Martin, Tynan, Phillips and Strauss.

Messages from the Governor

The President laid before the Senate and directed the Secretary to read the following message from the Governor:

Austin, Texas,
July 5, 1949.

To the Members of the 51st Legislature:

In accordance with the procedure specified in Article IV, Section 14 of the Constitution of the State of Texas, I have today signed and filed with the Secretary of State House Bill No. 321, an Act making appropriations for the support, maintenance and improvement of the State Hospitals and Special Schools of the State of Texas. I have attached to this bill a statement reading as follows:

"A STATEMENT BY THE GOVERNOR OF TEXAS

"In reference to House Bill No. 321, 51st Legislature.

"I have today approved House Bill No. 321, Acts of the 51st Legislature, with the exception of those items appropriated therein for the year ending August 31, 1951, and these I have vetoed.

"The total amount of the items vetoed is \$17,561,821.

"(Signed)

BEAUFORD H. JESTER,

The following message, received from the Governor, was laid before the Senate, read and referred to the Committee on Nominations of the Governor:

Austin, Texas,
June 27, 1949.

To the Members of the 51st Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be a Member of the Board of Regents of Lamar Technological College for a six year term:

Dr. Almer M. McAfee of Port Arthur, Jefferson County.

To be Chairman of the Battleship Texas Commission for six year term to expire May 26, 1955:

Lloyd Gregory of Houston, Harris County.

To be Members of the Battleship Texas Commission for six year term to expire May 26, 1955:

Thurmond Culp Krueger of El Campo, Wharton County; Joseph B. Hutchison of Houston, Harris County.

To be Members of the Battleship Texas Commission for four year terms to expire May 26, 1953:

George Brown of Houston, Harris County; Tom C. Dunn of Houston, Harris County; Mrs. O. M. Farnsworth of San Antonio, Bexar County.

To be Members of the Battleship Texas Commission for two year terms to expire May 26, 1951:

Frank Butler of Temple, Bell County; A. W. Neville of Paris, Lamar County; E. H. Thornton, Jr., of Galveston, Galveston County.

To be Members of the Board of Directors of the Nueces River Conservation and Reclamation District for six year terms to expire February 1, 1955:

Buford Nicholson of Corpus Christi, Nueces County; J. L. Corbin of Freer, Duval County; Paul Ehlers of La Pryor, Zavala County; William Byrd, Jr., of Winter Haven, Dimmit County; J. M. Cavendar of Rio Frio, Real County; F. M. Getzendaver of Uvalde, Uvalde County; M. L. Girard of Cotulla, La Salle County.

To be a Member of the Veterans' Affairs Commission for a six year term to expire June 12, 1955:

Marcus Weems of West Columbia, Brazoria County.

Respectfully submitted,

BEAUFORD H. JESTER,
Governor of Texas.

House Bill 995 on Second Reading

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 995, A bill to be entitled "An Act providing for the compensation of various county and district officers in counties having a population of three hundred and ninety-eight thousand (398,000) inhabitants etc., and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 995 on Third Reading

Senator Harris moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 995 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Hardeman	Strauss
Harris	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert

Absent

Hazlewood	Morris
Moore	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carney	Morris
Corbin	Phillips
Cousins	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelly of Tarrant	Vick
Lane	Weinert

Absent

Colson	Kelley of Hidalgo
Hardeman	

Hour for Executive Session

On motion of Senator Strauss and by unanimous consent, the Senate agreed to hold an executive session at 12:05 o'clock p.m. today.

House Bill 83 on Third Reading

Senator Hudson moved to suspend the regular order of business to take up House Bill No. 83 for consideration at this time.

The motion prevailed by the following vote:

Yeas—20

Aikin	Jones
Ashley	McDonald
Bell	Moffett
Bracewell	Moore
Bullock	Morris
Carney	Phillips
Colson	Shofner
Corbin	Strauss
Cousins	Taylor
Hudson	Tynan

Nays—8

Hardeman	Martin
Kelly of Tarrant	Proffer
Lane	Vick
Lock	Weinert

Absent

Harris	Kelley of Hidalgo
Hazlewood	

The President then laid before the Senate on its third reading and final passage:

H. B. No. 83, A bill to be entitled "An Act defining mobs and lynching and defining lynching in the first degree and lynching in the second degree, prescribing penalties therefor, providing that this Act shall not repeal existing laws relating to unlawful assemblies, rioting, and offenses against the person and declaring an emergency."

The bill was read third time and was passed.

Record of Votes

Senators Lane and Weinert asked

to be recorded as voting "nay" on the final passage of the bill.

Message from the Governor

The following message, received from the Governor today, was laid before the Senate, read and referred to the Committee on Nominations of the Governor:

Austin, Texas,
July 5, 1949.

To the Members of the 51st Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Members of the Texas Citrus Commission—

For two year terms: George Vance of Harlingen, Cameron County (Co-operative Grower); L. A. Boory of Brownsville, Cameron County (Independent Cooperative Grower); J. T. Woodroof of Edinburg, Hidalgo County (Independent Grower); Paul Freeman of Pharr, Hidalgo County (Independent Grower); Walter Blair of Harlingen, Cameron County (Co-op. Shipper); Jack Dobson of San Benito, Cameron County (Ind. Shipper); Graham Killough of Weslaco, Hidalgo County (Co-op. Canner); John E. Frost of Raymondville, Willacy County (Ind. Canner); C. L. Skaggs of Weslaco, Hidalgo County (Member-at-large);

For four year terms: C. H. Peery of Donna, Hidalgo County (Co-op. Grower); J. R. Adams of La Feria, Cameron County (Ind. Grower); Ray Goodwin of Mission, Hidalgo County (Ind. Grower); S. E. Hyde of Edinburg, Hidalgo County (Co-op. Shipper); Joe Powell of Edinburg, Hidalgo County (Ind. Shipper); G. O. McDaniel of Edcouch, Hidalgo County (Ind. Shipper); L. A. Ruffner of Donna, Hidalgo County (Co-op. Canner); A. F. Taormina of Donna, Hidalgo County (Ind. Canner); J. C. Looney of Edinburg, Hidalgo County (Member-at-large);

For six year terms: Fred Schwabel of Santa Rosa, Cameron County (Co-op. Grower); Stanley Crockett of Harlingen, Cameron County (Ind. Grower); R. G. Yingling of Edinburg, Hidalgo County (Ind. Grower); W. J. Bryan of Bayview, Cameron County (Ind. Co-op. Shipper); Horace Etchison of McAllen, Hidalgo County (Ind. Shipper); Roy Weir of Pharr, Hidalgo County (Ind. Shipper); Mau-

rice Acers of Mission, Hidalgo County (Ind. Co-op. Canner); J. C. Dunn of La Feria, Cameron County (Ind. Canner); S. H. Collier of Mercedes, Hidalgo County (Member-at-large).

Respectfully submitted,
BEAUFORD H. JESTER,
Governor of Texas.

House Concurrent Resolution 167

The President laid before the Senate for consideration at this time:

H. C. R. No. 167, Suspending the Joint Rules to permit the House to take up and consider H. B. No. 993 on Tuesday, July 5, or Wednesday, July 6, 1949.

The resolution was read.

Senator Ashley offered the following amendment to the resolution:

Amend the resolution to read as follows after the resolving clause:

"That the Joint Rules be suspended in order that each House may take up and consider and pass H. B. No. 993 and S. B. No. 505 during the last twenty-four hours of this session of the Legislature."

The amendment was adopted.

The resolution as amended was then adopted by the following vote:

Yeas—30

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelly of Tarrant	Weinert

Absent

Kelley of Hidalgo

House Bill 991 on Second Reading

Senator Proffer moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 991 be placed on its second reading and pass-

age to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

The President then laid before the Senate on its second reading and passage to third reading:

H. B. No. 991, A bill to be entitled "An Act relating to the investment and reinvestment of retirement funds by the State Board of Trustees of the Teachers' Retirement System of Texas, and declaring an emergency."

The bill was read second time.

Senator Aikin offered the following amendment to the bill:

Amend H. B. No. 991 by striking out in Section 1, Subsection 7, the following words wherever they appear:

"Drainage, navigation, irrigation, levee or other conservation districts of this State or other political subdivisions of this State."

The amendment was adopted.

On motion of Senator Proffer and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

The bill was passed to third reading.

House Bill 991 on Third Reading

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Weinert
Kelly of Tarrant	Vick
Lane	

Absent

Carney Kelley of Hidalgo

House Bill 845 on Second Reading

On motion of Senator Bracewell and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 845, A bill to be entitled "An Act providing for the purchase by the Texas Prison Board from Mae Lusk of certain interests in 200 acres of land, in the J. W. Hall League, No. 10, in Brazoria County, Texas, for a cash consideration of \$12,000.00, making an appropriation to cover same; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 845 on Third Reading

Senator Bracewell moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 845 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Hardeman
Ashley	Harris
Bell	Hazlewood
Bracewell	Hudson
Bullock	Jones
Colson	Kelley of Hidalgo
Corbin	Kelly of Tarrant
Cousins	Lane

Lock	Proffer
Martin	Strauss
Moffett	Taylor
Moore	Tynan
Morris	Vick
Phillips	Weinert

Absent

Carney	Shofner
McDonald	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	Martin
Bullock	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Weinert

Absent

Carney	Vick
McDonald	

House Bill 778 on Second Reading

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 778, A bill to be entitled "An Act providing that members of any Retirement, Disability and Death Compensation Fund established by any County shall have the right to designate a beneficiary to whom his contributions to such Fund, with interest if any thereon, shall be paid in event of death of the member before retirement; etc., and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 778 on Third Reading

Senator Harris moved that the constitutional rule requiring bills to be

read on three several days be suspended and that H. B. No. 778 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Absent

Hazlewood

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Absent

Carney

House Bill 3 on Second Reading

On motion of Senator McDonald and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 3, A bill to be entitled "An Act to provide for the appoint-

ment of a Committee to revise, digest and recodify all the Election Laws of this State covering General, Special and Primary Elections; defining their powers and duties and fixing the compensation of the members of said Committee; etc., and declaring an emergency."

The bill was read second time.

Senator Cousins offered the following amendment to the bill:

Amend H. B. No. 3, Section 1, by striking out the word and figures "three (3)" on line 27 and inserting therefor "nine (9)".

The amendment was adopted.

Senator Cousins offered the following amendment to the bill:

Amend H. B. No. 3, by striking out Section 2 and inserting the following:

"Section 2. Three members of this Commission, from the public, shall be appointed by the Governor, three members of the Senate appointed by the Lieutenant Governor, and three members of the House shall be appointed by the Speaker of the House of Representatives."

The amendment was adopted.

Senator Cousins offered the following amendment to the bill:

Amend H. B. No. 3 by striking out Section 7 thereof and inserting in lieu thereof the following:

"Section 7. The members of the Commission shall receive not more than the actual and necessary expenses for the time they are actually engaged in the discharge of their duties, and the certificate of the Governor shall authorize the Comptroller to draw his warrants on the Treasury for the payment of such per diem. The salaries of all employees of the Commission and the expenses incurred by the Commission shall be paid in the usual manner upon the approval of a majority of the Commission."

The amendment was adopted.

On motion of Senator McDonald, and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

The bill was passed to third reading.

House Bill 3 on Third Reading

Senator McDonald moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 3 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Harris	Shofner
Hazlewood	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Weinert

Nays—2

Hardeman	Hudson
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Absent

Vick

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Executive Session

At 12:05 o'clock p.m., the President announced that the hour previously agreed upon for an executive session had arrived.

Accordingly, the President directed all those not entitled to attend the executive session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the executive session, the Secretary informed the Journal Clerk that the Senate had confirmed the following nominations of the Governor:

To be Member of the State Board of Veterinary Medical Examiners for a term to expire January 17, 1955:

Dr. Henry K. Maier of Beaumont, Jefferson County.

To be Members of the State Board of Embalming for six year terms to expire May 31, 1955:

Clyde Branon of Lamesa, Dawson County; Gilbert Koenig of La Grange, Fayette County.

To be a Member of the Prison Board for term to expire February 2, 1955: Walter W. Cardwell of Luling, Caldwell County.

To be a Member of the Board of Regents of Lamar Technological College for a six year term:

Dr. Almer M. McAfee of Port Arthur, Jefferson County.

To be Chairman of the Battleship Texas Commission for six year term to expire May 26, 1955:

Lloyd Gregory of Houston, Harris County.

To be Members of the Battleship Texas Commission for six year term to expire May 26, 1955:

Thurmond Culp Krueger of El Campo, Wharton County; Joseph B. Hutchison of Houston, Harris County.

To be Members of the Battleship Texas Commission for four year terms to expire May 26, 1953:

George Brown of Houston, Harris County; Tom C. Dunn of Houston, Harris County; Mrs. O. M. Farnsworth of San Antonio, Bexar County.

To be Members of the Battleship Texas Commission for two year terms to expire May 26, 1951:

Frank Butler of Temple, Bell County; A. W. Neville of Paris, Lamar County; E. H. Thornton, Jr., of Galveston, Galveston County.

To be Members of the Board of Directors of the Nueces River Conservation and Reclamation District for six year terms to expire February 1, 1955:

Buford Nicholson of Corpus Christi, Nueces County; J. L. Corbin of Freer, Duval County; Paul Ehlers of La Pryor, Zavala County; William Byrd, Jr., of Winter Haven, Dimmit County; J. M. Cavendar of Rio Frio, Real County; F. M. Getzendaver of Uvalde, Uvalde County; M. L. Girard of Cotulla, La Salle County.

To be a Member of the Veterans' Affairs Commission for a six year term to expire June 12, 1955:

Marcus Weems of West Columbia, Brazoria County.

To be Members of the Citrus Commission—

For two year terms:

George Vance of Harlingen, Cameron County (Co-Operative Grower); L. A. Boory of Brownsville, Cameron County (Independent Cooperative Grower); J. T. Woodroof of Edinburg, Hidalgo County (Independent Grower); Paul Freeman of Pharr, Hidalgo County (Independent Grower); Walter Blair of Harlingen, Cameron County (Co-Op Shipper); Jack Dobson of San Benito, Cameron County (Ind. Shipper); Graham Killough of Weslaco, Hidalgo County (Co-op Canner); John E. Frost of Raymondville, Willacy County (Ind. Canner); C. L. Skaggs of Weslaco, Hidalgo County (Member-at-large).

For four year terms:

C. H. Peery of Donna, Hidalgo County (Co-Op Grower); J. R. Adams of La Feria, Cameron County (Ind. Grower); Ray Goodwin of Mission, Hidalgo County (Ind. Grower); S. E. Hyde of Edinburg, Hidalgo County (Co-Op Shipper); Joe Powell of Edinburg, Hidalgo County (Ind. Shipper); G. O. McDaniel of Edcouch, Hidalgo County (Ind. Shipper); L. A. Ruffner of Donna, Hidalgo County (Co-Op Canner); A. F. Taormina of Donna, Hidalgo County (Ind. Canner); J. C. Looney of Edinburg, Hidalgo County (Member-at-large).

For six year terms:

Fred Schwabel of Santa Rosa, Cameron County (Co-op Grower); Stanley Crockett of Harlingen, Cameron County (Ind. Grower); R. G. Yingling of Edinburg, Hidalgo County (Ind. Grower); W. J. Bryan of Bayview, Cameron County (Ind. Co-op Shipper); Horace Etchison of McAllen, Hidalgo County (Ind. Shipper); Roy Weir of Pharr, Hidalgo County (Ind. Shipper); Maurice Acers of Mission, Hidalgo County (Ind. Co-op Canner); J. C. Dunn of La Feria, Cameron County (Ind. Canner); S. H. Collier of Mercedes, Hidalgo County (Member-at-large).

The Senate also confirmed the following nominations of the State Board of Education:

To be a Member of the Teachers' Retirement System Board for term to expire August 31, 1955:

Mr. Irvin McCreary of Temple, Bell County.

In Legislative Session

The President called the Senate to order as in Legislative Session, at 12:15 o'clock p.m.

**Report of Conference Committee on
House Bill 964**

Senator Taylor submitted the following report:

Austin, Texas,
July 5, 1949.

Hon. Durwood Manford, Speaker of
the House of Representatives.

Hon. Allan Shivers, President of the
Senate.

We, the members of your conference committee appointed to adjust the differences between the Senate and the House of Representatives on House Bill No. 964 have met and had the same under consideration, and recommend that House Bill No. 964 be passed in the form attached.

Respectfully submitted,

LINDSEY
TUFARES
NOKES
GRAHAM
KING

On the part of the House.

TAYLOR
MORRIS
PROFFER
AIKIN
LOCK

On the part of the Senate.

**A BILL
TO BE ENTITLED**

"An Act amending Senate Bill No. 115, Acts of the Fifty-first Legislature, by changing Article II; creating the State Board of Education and dividing the State into Educational Districts for the purpose of selecting members thereof; providing for the election, qualifications and terms of office of members of the State Board of Education; providing an official oath of office and bond for members of the State Board of Education; making certain persons ineligible for service on said Board; providing for elections for the purpose of filling vacancies on said Board and for filling such vacancies by appointment until filled by election; providing the manner in which persons may become or be made candidates for election to said Board in the elections herein provided for; limiting the money authorized to be expended for the purpose of furthering or opposing the candidacy of any person for election to said Board; prohibiting certain persons, groups of persons, organizations and corporations from making financial

contributions to, or taking part in, the campaign of any person to become a member of said Board and prescribing penalties for anyone convicted of violating the same; providing for organization of said Board, election of officers and a State Commissioner of Education, adoption of rules of procedure and meetings of said Board; providing that members of said Board shall serve without salary and be reimbursed for expenses of attending meetings of said Board; providing that the Act hereby amended shall take effect and be in force from and after the passage of this Act; repealing conflicting laws or parts of laws; containing a savings clause; and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Senate Bill No. 115, Acts of the Fifty-first Legislature, is hereby amended by changing Article II so that said Article II shall read hereafter as follows:

"Article II. Sec. 1. There is hereby created the State Board of Education, to consist of twenty-one (21) members. One (1) member of the State Board of Education shall be elected from each of the twenty-one (21) Congressional Districts of the State of Texas.

"Sec. 2. A special election shall be held in each of the twenty-one (21) Congressional Districts of the State of Texas on the second Tuesday in November, 1949, for the purpose of electing the initial members of the State Board of Education, such members so elected at such election to hold office until January 1, 1951, the names of the candidates in each district to appear on the same ballot with the Constitutional Amendments proposed by the Fifty-first Legislature to be voted on at such time.

"Sec. 3. Any person desiring to become a candidate in the above mentioned election to be held on the second Tuesday in November, 1949, shall not less than fifty (50) nor more than sixty (60) days prior to the date of said election file a sworn application with the Secretary of State, stating therein his name, address, age, number of years continuance residence in the District in which he resides, and that he is not ineligible for any reason to serve as a member of said Board; and also within such time one hundred (100) or more of

the resident qualified voters in such respective district may petition the Secretary of State to file the name of any qualified person of such district as a candidate in such election. Such petition shall state the candidate's name, address, age, number of years of continuous residence in the District in which he resides, and that he is not ineligible for any reason to serve as a member of said Board. Either of said actions shall constitute any qualified person as a candidate, subject to any other requirement as provided by law. Immediately after the deadline for filing applications and petitions as aforesaid, the Secretary of State shall conduct a drawing at his office in Austin, Texas, to determine by lot the order of names on the ballot in each of said Districts in which said election is to be held, the procedure to be followed in said drawing to be determined by the Secretary of State. Not later than thirty (30) days prior to the date of said election, the Secretary of State shall prescribe the form of ballot and any other blanks necessary to be used in said election, and shall furnish a copy of same to each County Judge of each county in this State. The Commissioners' Court of each county in which said election is held shall furnish the ballots and any other necessary election forms and supplies necessary to conduct said election. The expenses necessary to conduct such election shall be paid for by the respective counties of this State in the same manner as is now provided by law with reference to any other general or special State-wide election, and the duties of all public officials with reference to providing for such election shall be the same as is now prescribed by law with reference to other elections except as herein provided. The General Election officers shall hold the election herein provided. The returns of said election shall be made to the Secretary of State in the manner provided by Article 3030 and Article 3033, Revised Civil Statutes of Texas, 1925, as amended. Such returns shall be canvassed by the Secretary of State as provided by Article 3034, Revised Civil Statutes, 1925, as amended, and the Governor shall issue a certificate of election to the person in each District receiving the highest number of votes.

"Sec. 4. The terms of office of the initial members of the State Board of Education elected in the aforesaid

election to be held on the second Tuesday in November, 1949, shall begin upon certification by the Secretary of State of the results of said election. Each member of said Board shall subscribe to the official oath of office, and give bond in the amount of Ten Thousand (\$10,000.00) Dollars payable to the Governor of the State of Texas, conditioned upon the faithful performance of his duties, said bond to be filed with the State Comptroller.

"Sec. 5. At the General Election in 1950 there shall be elected, in conformity with the general election laws of this State, from each of the Congressional Districts, one (1) member of the State Board of Education. The members of said Board elected at said election in 1950 in Districts 1, 2, 3, 4, 5, 6, and 7 shall serve for a term of two (2) years beginning January 1, 1951; the members of said Board elected at said election in 1950 in Districts 8, 9, 10, 11, 12, 13, and 14 shall serve for a term of four (4) years beginning January 1, 1951; and the members of said Board elected at said election in 1950 in Districts 15, 16, 17, 18, 19, 20, and 21 shall serve for a term of six (6) years beginning January 1, 1951. At the General Election in 1952 and at each General Election thereafter, members shall be elected, in conformity with the general election laws of this State, to the Board offices which will become vacant on December 31 of that year. The members thus elected shall hold office for a term of six (6) years, beginning January 1 immediately following such election.

"Sec. 6. In case of resignation or death of a member of said Board, or in case a position on said Board otherwise becomes vacant, the Board shall fill such vacancy as soon as possible by appointment of a qualified person from the affected district, any such person so appointed to hold office only until his successor is duly elected at the next General Election and qualifies by taking the required oath and filing the required bond; and, at the next General Election after any such vacancies occur, members on said Board from the affected districts shall be elected in conformity with the general election laws, to fill such vacated offices for such unexpired terms. Provided, however, that should any such vacancy occur at a time when it is impossible to place the names of candidates for the unexpired term of of-

office vacated on the General Election ballot, said vacancy shall then be filled by appointment as aforesaid. Any person appointed to such vacancy shall hold such office only until qualification by his successor, duly elected at the next general election thereafter at which it is possible to place the names of candidates for said unexpired term on the General Election ballot, or until the termination of the term of office to which he has been appointed, whichever occurs first.

"Sec. 7. Subsequent to said special election on the second Tuesday in November, 1949, candidates for said Board offices shall be nominated as provided by law. The request to have the name of any person affiliating with any party placed on the official ballot for a general primary as a candidate for the nomination of such part for said office shall be filed in the same manner provided for other district offices by Article 3112, Revised Civil Statutes of Texas, 1925, as amended. The filing fee for a candidate for nomination for said office shall be the same as that provided for a candidate for representative in Congress by Article 3116, Revised Civil Statutes, 1925, as amended.

"Sec. 8. A meeting of the Board members elected at the election on the second Tuesday in November, 1949, shall be called by the Secretary of State within ten (10) days after said returns have been canvassed, or as soon as practicable thereafter, at which time said Board shall organize, adopt rules of procedure, elect a Chairman, Vice-Chairman and Secretary, to serve for such terms and subject to such conditions as the Board may by its rules prescribe, and at such meeting, or as soon as practicable thereafter, said Board shall elect a State Commissioner of Education whose term shall begin immediately upon election by said Board and shall run until May 31, 1953, subject to confirmation by the Senate at the next session thereof and removal by the State Board of Education as provided for in this Act. Thereafter, said Board shall hold regular meetings in the City of Austin, Texas, on the first Monday in January, March, May, July, September, and November, and it may hold such other meetings as shall be scheduled by it in formal sessions and as shall be called by the Chairman. In January of each year following

general election and the qualification of new members, at its regular meeting, the State Board of Education shall organize, adopt rules of procedure, and elect a Chairman, Vice-Chairman and Secretary. No meeting of the State Board of Education shall be held unless attended by fourteen (14) members or more, which number shall constitute a quorum of said Board for the transaction of all business, except filling vacancies of said Board when said Board consists of less than fourteen (14) members. Members of said Board shall receive no salary, but shall be reimbursed for full expenses incurred in attending meetings of the Board.

"Sec. 9. No person who holds an office under the State of Texas or any political subdivision thereof, or who holds employment or receives any compensation for services from the State or any political subdivision thereof, except retirement benefits paid by the State of Texas or the Federal Government, or any person engaged in organized public educational activity, shall be eligible to serve on said Board or be elected thereto. No person shall be elected from or serve in a district who is not a bona fide resident thereof, with five (5) years continuous residence therein, prior to his election. No person shall be eligible to serve on said Board or be elected thereto unless he shall be a citizen of the United States, a qualified elector of his district, and shall have attained the age of thirty (30) years. The total amount authorized to be expended furthering or opposing the candidacy of any person as a member of the State Board of Education shall not exceed One Thousand Five Hundred (\$1,500.00) Dollars.

"Sec. 10. It is hereby declared to be unlawful for any person, group of persons, organizations, corporations, or any other person of whatever nature who is engaged in the manufacturing, shipping, selling, storing, advertising, or in any other manner connected with the textbook business to make a financial contribution to, or to take part in, directly or indirectly, the campaign of any person seeking to become a member of the Board of Education established by this Act. It is likewise declared to be unlawful for anyone whomsoever interested in the selling of bonds of any type whatsoever to make a contribution to or take part in, directly

or indirectly, the campaign of any person seeking to be elected to said Board. Anyone convicted of violating the provisions of this Section shall be fined not less than Five Hundred (\$500.00) Dollars nor more than One Thousand (\$1,000.00) Dollars and/or shall be sentenced to serve a jail term of not less than ninety (90) days nor more than one hundred eighty (180) days."

Section 2. Senate Bill No. 115, Acts of the Fifty-first Legislature, which contains an expression of emergency, is hereby declared to be an emergency, and the Legislature hereby directs that said Senate Bill No. 115, as hereby amended, shall take effect and be in force from and after the passage of this Act and it is so enacted.

Section 3. All laws or parts of laws in conflict herewith are hereby repealed to the extent of such conflict. If any clause, sentence, paragraph, or section of this Act is declared unconstitutional or invalid by any court of competent jurisdiction, the remainder of this Act shall nevertheless remain in full force and effect.

Section 4. The need for electing the initial members of the State Board of Education on the second Tuesday in November so as to coincide with an election date already set, thereby saving the expense of another special election, and the importance of this Act, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted by the following vote:

Yeas—31

Aikin	Kelley of Hidalgo
Ashley	Kelly of Tarrant
Bell	Lane
Bracewell	Lock
Bullock	Martin
Carney	McDonald
Colson	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Phillips
Harris	Proffer
Hazlewood	Shofner
Hudson	Strauss
Jones	Taylor

Tynan
Vick

Weinert

Hour for Executive Session

On motion of Senator Strauss and by unanimous consent, the Senate agreed to hold an executive session at 11:30 o'clock a.m. tomorrow.

Recess

On motion of Senator Vick, the Senate at 12:25 o'clock p.m., took recess to 2:30 o'clock p.m. today.

AFTERNOON SESSION

The Senate met at 2:30 o'clock p.m. and was called to order by the President pro tempore.

House Concurrent Resolution 103

On motion of Senator Jones and by unanimous consent, the regular order of business was suspended to take up for consideration at this time, the following resolution:

H. C. R. No. 103, Granting Paul Pennell permission to sue the State.

The resolution was read.

Senator Hardeman offered the following amendment to the resolution:

Amend H. C. R. No. 103 by striking out the first paragraph of the second resolving clause at the bottom of page 1 and the top of page 2 thereof and by striking out all of the last resolving clause on page 2 and inserting in lieu the following:

"Nothing contained in this resolution shall be construed as an admission of liability, or of any fact against the State or the Highway Commission and all facts set out herein or relied upon by plaintiff to recover must be proved in court."

The amendment was adopted.

The resolution as amended was then adopted.

(President in the Chair.)

Senate Bill 71 with House Amendments

Senator Vick called S. B. No. 71 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Vick moved that the Senate concur in the House amendments.

Senator Martin moved that the Senate do not concur in the House amendments to the bill and that a conference committee be appointed to adjust the differences between the two Houses on the bill.

Question first recurring on the motion of Senator Martin, it was lost by the following vote:

Yeas—6

Corbin	Lock
Cousins	Martin
Lane	McDonald

Nays—15

Aikin	Moffett
Bracewell	Moore
Bullock	Phillips
Hardeman	Proffer
Hazlewood	Shofner
Hudson	Tynan
Jones	Vick
Kelly of Tarrant	

Absent

Ashley	Kelley of Hidalgo
Bell	Morris
Carney	Strauss
Colson	Taylor
Harris	Weinert

Question next recurring on the motion of Senator Vick, it prevailed by the following vote:

Yeas—20

Aikin	Lane
Bracewell	Martin
Bullock	Moffett
Colson	Moore
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Hazlewood	Strauss
Jones	Tynan
Kelly of Tarrant	Vick

Nays—4

Hudson	McDonald
Lock	Taylor

Absent

Ashley	Kelley of Hidalgo
Bell	Morris
Carney	Weinert
Harris	

Message from the House

Hall of the House of Representatives,
Austin, Texas,
July 5, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 433, A bill to be entitled "An Act to provide for the payment of pensions to indigent soldiers, volunteers and their widows of the Texas Revolution; providing for applications therefor to be made to the County Judge of the county of the residence of the applicant; providing for the same to be forwarded to the Comptroller of Public Accounts; etc., and declaring an emergency."

H. C. R. No. 175, Relative to effective date of House Bill No. 915.

The House has granted the request of the Senate for the appointment of a new Conference Committee to adjust the differences between the two Houses on H. B. No. 130.

The following have been appointed on the part of the House:

Willis of Tarrant, Doyle, Isaacks, Bergman, Fleming, McDonald.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

House Concurrent Resolution 175

On motion of Senator Tynan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time, the following resolution:

H. C. R. No. 175, Relative to the effective date of H. B. No. 915.

The resolution was read and was adopted by the following vote:

Yeas—22

Aikin	Lane
Bullock	Lock
Colson	Martin
Corbin	McDonald
Hardeman	Moffett
Hazlewood	Moore
Hudson	Phillips
Jones	Proffer
Kelly of Tarrant	Shofner

Strauss
Taylor

Tynan
Vick

Absent

Ashley
Bell
Bracewell
Carney
Cousins

Harris
Kelley of Hidalgo
Morris
Weinert

**Report of Conference Committee on
House Bill 586**

Senator Hazlewood submitted the
following report:

Austin, Texas,
July 5, 1949.

Hon. Durwood Manford, Speaker of
the House of Representatives.

Hon. Allan Shivers, President of the
Senate.

Sirs: We, your committee, ap-
pointed to adjust the differences be-
tween the House and the Senate on
House Bill 586, beg leave to report
that we have considered the same and
recommend that it do pass in the form
and text hereto attached.

ROGERS of Childress
STUMP
CHEATHAM
McILHANY
WISENER

On the part of the House.

HAZLEWOOD
MARTIN
CORBIN
SHOFNER
COLSON

On the part of the Senate.

H. B. No. 586 By: Rogers of Childress

**A BILL
TO BE ENTITLED**

"An Act to amend Article 4705, Re-
vised Civil Statutes of Texas, 1925, as
amended; repealing all laws or parts
of laws in conflict; and declaring an
emergency."

Be it enacted by the Legislature of
the State of Texas:

Section 1. That Article 4705, Re-
vised Civil Statutes of Texas, 1925,
as amended, be amended so as to here-
after read as follows:

"Article 4705. Items of capital
stock. The capital stock of any such
insurance company, except any writ-
ing Life, Health, and Accident Insur-
ance, shall consist:

"1. In lawful money of the United

States; or

"2. In the bonds of this State or
any County or incorporated town or
city thereof, or in the stock of any
national bank, or in the stock of any
State Bank of Texas whose deposits
are insured by the Federal Deposit
Insurance Corporation; provided, how-
ever, that if said capital stock con-
sists of the stock of a State Bank of
Texas that not more than thirty-five
(35) per cent of the total outstanding
stock of any one State Bank of Texas
may be so used as capital stock of any
one insurance company, and provided
further that neither the insurance
company whose capital stock consists
of said bank stock nor any other in-
surance company may either invest
its funds in nor use as capital stock
the remaining stock of any such State
Bank.

"3. In first mortgages upon unin-
cumbered real estate in this State, the
title to which is valid, and the market
value of which is not less than forty
per cent (40%) more than the amount
loaned thereon. If any part of the
value of such real estate is in build-
ings, such buildings shall be insured
against loss by fire for not less than
sixty per cent (60%) of the value
thereof, with loss clause payable to
such company. Provided, that the pro-
visions of this Article, with respect to
the value of real estate, compared to
the amount loaned thereon, shall not
apply to loans secured by real estate
which are insured by the Federal
Housing Administrator."

Sec. 2. All laws and parts of laws
in conflict herewith are hereby re-
pealed to the extent of such conflict
only.

Sec. 3. The fact that it is desira-
ble that insurance companies governed
by Article 4705, Revised Civil Stat-
utes of Texas, 1925, as amended, be
permitted to invest their capital as-
sets in the stock of said State Banks
of Texas and the crowded condition
of the Calendars of both Houses of
the Legislature, create an emergency
and an imperative public necessity
that the Constitutional Rule requiring
all bills to be read on three several
days in each House, be, and the same
is hereby, suspended, and this Act
shall take effect and be in force from
and after its passage, and it is so
enacted.

The report was read and was
adopted by the following vote:

Yeas—22

Aikin	Martin
Bullock	McDonald
Colson	Moffett
Corbin	Moore
Hardeman	Phillips
Hazlewood	Proffer
Hudson	Shofner
Jones	Strauss
Kelly of Tarrant	Taylor
Lane	Tynan
Lock	Vick

Absent

Ashley	Harris
Bell	Kelley of Hidalgo
Bracewell	Morris
Carney	Weinert
Cousins	

Senate Bill 331 with House Amendments

Senator McDonald called S. B. No. 331 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator McDonald moved that the Senate concur in the House amendments.

The motion prevailed.

Senate Resolution 219

Senator Hudson offered the following resolution:

Be it resolved by the Senate of Texas:

That whereas, The Senator from Angleton has been permitted by the Committee on Contingent Expense to charge to the contingent expense fund the cost of 25,000 political post cards; and

Whereas, Such printing at the cost of the Senate is a public document; now, therefore, be it

Resolved, By the Senate, that a true copy of such post cards be printed in the Senate Journal for the perusal of the public.

The resolution was read.

Senator McDonald moved to table the resolution.

Question—Shall the motion to table prevail?

Message from the Governor

The President laid before the Senate and directed the Secretary to read the following message from the Governor:

Austin, Texas,
July 5, 1949.

To the Senate of the 51st Legislature:

Please consider this my request to withdraw the following nominations, submitted to you at an earlier date:

To be Branch Pilots for the Port of Galveston and Texas City for two year terms:

Sherman B. Wetmore of Galveston County (term to expire June 5, 1949);
Kent O. Barton of Galveston County (term to expire September 10, 1950);
Giles W. Hatch of Galveston County (term to expire October 30, 1950);
R. M. Watson of Galveston County (term to expire September 5, 1949);
G. W. Crosby of Galveston County (term to expire September 1, 1949);
R. W. Howard of Galveston County (term to expire September 1, 1949);
H. F. Johnson of Galveston County (term to expire September 1, 1949);
Captain Ernest E. Lance of Galveston County (term to expire April 15, 1951);

Captain Earl C. Goodwin of Galveston County (term to expire April 15, 1951).

Respectfully submitted,
BEAUFORD H. JESTER,
Governor of Texas.

Bills and Resolutions Signed

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills and resolutions:

H. B. No. 284, A bill to be entitled "An Act to appropriate money from the General Fund of the State not otherwise appropriated, to pay mileage and per diem of Presidential Electors, and declaring an emergency."

H. B. No. 403, A bill to be entitled "An Act making it unlawful for any person who has been convicted of a felony to have in his possession firearms of certain types or burglary tools of certain types away from the premises upon which he lives; providing a penalty; defining terms; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 459, A bill to be entitled "An Act amending Article 4932 of the Revised Civil Statutes of Texas, 1925, as amended by Acts of the Forty-eighth Legislature, 1943, Chapter 342, page 584; providing for fixing the amount of net retentions permissible without reinsurance by insurance companies licensed in Texas in the writing of fire and allied lines of insurance; requiring reinsurance of excess to any loss or hazard on any one risk over such permissible net retentions, etc.; and declaring an emergency."

H. B. No. 857, A bill to be entitled "An Act amending Article 601-A of the Code of Criminal Procedure of the State of Texas, 1925; repealing all laws in conflict therewith to the extent of such conflict only; and declaring an emergency."

H. B. No. 461, A bill to be entitled "An Act amending Article 5845, R. C. S. of Texas, 1925, providing for medical aid and expenses to members of the military forces of this State who shall be wounded, disabled or injured while in service of this State; providing that this Act shall also be applicable to persons who are injured while on active duty prior to 1940; making an appropriation to cover the expenses; providing this Act shall be severable; and declaring an emergency."

H. B. No. 962, A bill to be entitled "An Act to amend subdivision 4 of Section 4 of House Bill No. 17, Acts of the Fifty-first Legislature, 1949, Regular Session, so as to provide for the transportation of horsemeat between the hours of 10:00 p.m. and 4:00 a.m. unless horsemeat is in individual packages not exceeding five pounds and plainly marked 'horsemeat' for animal consumption etc., and declaring an emergency."

H. B. No. 40, A bill to be entitled "An Act finding and declaring that the disastrous and destructive cyclone that occurred at the City of Higgins on the evening of April 10, 1947, is a case of great public calamity in the City of Higgins, the Higgins Independent School District and in the County of Lipscomb; etc.; and declaring an emergency."

H. C. R. No. 150, Providing for the granting of an easement to the Texas Pipeline Company by the State

Board of Control through property owned by the State of Texas, referred to as the Texas State Orphans Home in Navarro County, Texas.

H. C. R. No. 151, In memory of Dr. James Robert Towns of Livingston, Texas.

H. B. No. 589, A bill to be entitled "An Act amending Chapter 5, Acts of the 39th Legislature, Regular Session, 1925, as amended by Chapter 139, Acts of the 49th Legislature, Regular Session, 1945, as amended by Chapter 125, Acts of the 50th Legislature, Regular Session, 1947, by providing that navigation districts which lease, rent, furnish or supply water for the purpose of irrigation, shall have a preference and superior lien upon the crop or crops raised upon the land thus irrigated; providing for waiver of such lien in specified cases; providing means of enforcing such lien; and declaring an emergency."

H. B. No. 858, A bill to be entitled "An Act providing for a Voluntary Payroll War Savings Plan by officers and employees of the State of Texas or of any county or other political subdivision or municipal corporation therein; creating a War Bond Payroll Savings Account; etc.; and declaring an emergency."

H. B. No. 642, A bill to be entitled "An Act authorizing the Board of Regents of The University of Texas to invest in United States Government Bonds, or place on time deposit, not more than eighty-five per cent (85%) of the 'General Property Deposit' which is required of all students, income from which investments or time deposit is to be used in making student scholarship awards, and limiting the period for making refunds of such deposits; and declaring an emergency."

H. B. No. 967, A bill to be entitled "An Act amending Article 7212, Revised Civil Statutes of Texas, 1925, as amended by Chapter 453, Acts 47th Legislature, 1941, providing that when the Commissioners' Courts shall contract with an individual, firm, or corporation for the compilation of taxation data, the compensation of such individual, firm or corporation may be paid on a pro rata basis from each county fund benefiting by the receipt of any taxes

derived from (such valuation; and declaring an emergency."

H. B. No. 916, A bill to be entitled "An Act accepting title to land in El Paso County, tendered to the State of Texas for use by the Agricultural and Mechanical College of Texas as Agricultural Experimental Station, Substation No. 17; authorizing the Commissioners' Court of El Paso County to execute a deed conveying such title to the State; and declaring an emergency."

H. B. No. 985, A bill to be entitled "An Act to validate all citations and notices heretofore issued in lunacy, guardianship or estates of decedents, or any other probate proceedings, directed to the sheriff or constable of the county in which such proceedings are instituted instead of to any sheriff or constable within the State of Texas, together with all uncontested orders, decrees, sales, leases, and judgments grounded on such citations or notices; etc.; and declaring an emergency."

H. B. No. 992, A bill to be entitled "An Act amending Section 6 of Senate Bill No. 207, Acts of the Forty-ninth Legislature, Regular Session, 1945, so as to authorize the Board of Regents of certain junior colleges and/or universities to pledge as security the estimated income over the period for which bonds, notes and/or warrants may be issued; and declaring an emergency."

H. B. No. 986, A bill to be entitled "An Act to repeal Sections 2 and 3 of Senate Bill No. 292, Chapter 183, Acts of the Forty-seventh Legislature, 1941, page 269, as amended by Senate Bill No. 348, Chapter 324, Acts of the Forty-ninth Legislature, 1945, page 535; and declaring an emergency."

H. B. No. 837, A bill to be entitled "An Act to regulate and provide safeguards in the employment and admission of persons in state supported universities and colleges; to provide for an oath; to provide for the expulsion or dismissal of certain students and employees under certain conditions; providing for appeal; and declaring an emergency."

H. B. No. 458, A bill to be entitled "An Act to regulate direct lines of insurance with insurers not licensed

to do business in this State; declaring the purpose of the Act; providing for licensing of agents, with the cost of such license and its terms, said license to authorize the placing of direct lines of insurance with insurers not licensed to do business in Texas; providing for the giving of a bond by such agent; etc., and declaring an emergency."

H. B. No. 990, A bill to be entitled "An Act to amend Article 7094, Revised Civil Statutes of Texas of 1925, as amended by House Bill No. 777, passed at the Regular Session of the Fifty-first Legislature; and declaring an emergency."

H. B. No. 439, A bill to be entitled "An Act providing for the incorporation of a Rural High School District; authorizing the presentation of a petition to the County Board; authorizing the County Judge to call an election; authorizing the Commissioners Court to canvass an election and declare the results; authorizing the Commissioners Court to certify results of election providing for Board of Trustees; providing for property rights of the District; providing for district assumption of indebtedness; repealing all conflicting laws; and declaring an emergency."

H. B. No. 891, A bill to be entitled "An Act amending Section 6 of Article 2647 of the R. C. S. of 1925, as amended, so as to provide for payment of Ten Dollars (\$10) per day to the members of the Board of Regents of the State Teachers' Colleges of Texas while attending meetings of such Board as provided by law; and declaring an emergency."

H. B. No. 961, A bill to be entitled "An Act making appropriations to pay additional miscellaneous claims out of the General Revenue Fund, or such other funds as may be designated herein for each item, not otherwise appropriated; etc., and declaring an emergency."

H. B. No. 668, A bill to be entitled "An Act making an appropriation of One Thousand (\$1,000.00) Dollars to the State Treasurer of Texas out of the General Fund for the purpose of reimbursing the owners of unused note stamps; providing for approval of claims; setting out legislative intent; and declaring an emergency."

C. S. H. B. No. 440, A bill to be entitled "An Act to amend H. B. No. 120, Acts of the R. S. of the 50th Legislature, Ch. 452, page 1049, providing for adult probation and parole; making an appropriation; containing a savings clause; repealing all laws in conflict herewith; and declaring an emergency."

Recess

On motion of Senator Hardeman, the Senate at 3:15 o'clock p.m., took recess until 9:30 o'clock a.m. tomorrow.

In Memory of
Mr. G. R. Ogletree

Senator Colson offered the following resolution:

(Senate Concurrent Resolution 83)

Whereas, On June 29, 1949, the illustrious career of Mr. G. R. Ogletree was closed by his death in his home at 1608 Etheridge, Austin, Texas; and

Whereas, Mr. Ogletree was born in Columbus, Georgia, on November 28, 1878, moved to Texas in 1900, and was married in 1905 to Miss Londa Pickett of Fort Worth, Texas; and

Whereas, Mr. Ogletree was very active in the lumber industry in the State of Texas, having been connected with the Ogletree Lumber Company, The Longhorn Sash & Door Factory, and the Ogletree-Ribar Manufacturing Company, all of Austin, Texas, and the Ogletree Lumber Company of Livingston, Polk County, Texas; and

Whereas, Mr. Ogletree was a resident of Livingston, Polk County, Texas, for 17 years; and

Whereas, He was a member of the Baptist Church for 60 years, serving as a Deacon for the past 35 years, a member of the Lions Club in Austin and Livingston, and a member of the Masonic Lodge at Shepherd, Texas; and

Whereas, Mr. Ogletree was charitable to the unfortunate and friendly and generous in his consideration for others, he found comfort and joy in his life of devotion to his family and friends; and

Whereas, His passing is greatly mourned by his many friends throughout the State of Texas, and his loss irreplaceable, it is the desire of the members of the Senate to express their deepest sympathy to the bereaved family in the passing of this fine gentleman; and

Whereas, Mr. Ogletree is survived by his widow, his daughters, Mrs. Kelly McAdams, Mrs. Billy McElroy, and Mrs. Fred Ribar, all of Austin, Texas and his son, Mr. Ben Royden Ogletree of Livingston, Texas, and five grandchildren, Kelly Ray McAdams, Martha McAdams, and Billie May McAdams of Austin, Texas, and Ben Royden Ogletree, Jr. and Barry Gray Ogletree of Livingston, Texas; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that enrolled copies of this resolution be sent to the members of his family; and be it further

Resolved, That a page of today's Senate Journal be dedicated to the memory of Mr. G. R. Ogletree; and that when the Senate adjourns today, it do so in his memory.

The resolution was read and was adopted.